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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Michael Izell Seals,

Plaintiff,

v.

Officer Rodney K. Mitchell, et al.

Defendants.

CASE NO. C-04-3764 NJV

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER REQUESTING AN EXTENSION OF
TIME FOR REBUTTAL EXPERT
DISCLOSURE**

Plaintiff Michael Izell Seals and Defendants John Rynhart and Lyle Thomas submit this
Joint Stipulation and [Proposed] Order Requesting an Extension of Time for Rebuttal Expert
Disclosure. On Tuesday, January 11, 2011, Pelican Bay State Prison was placed on an indefinite
lockdown after inmates purportedly attacked three prison guards. Declaration of Ashley Bauer

in Support of Joint Stipulation (“Bauer Decl.”), Ex. 1 (news article on the incident). During this lockdown, Plaintiff’s counsel are unable to speak with Mr. Seals over the telephone. Bauer Decl. at ¶ 5. As a result, Plaintiff’s counsel can only communicate via letter to Mr. Seals and must await his written responses. The pace of this communication has hindered Plaintiff’s ability to meet the current rebuttal expert disclosure deadline.

Based on this Court’s Order dated November 1, 2010 (Dkt. No. 144), the current rebuttal expert disclosure deadline is Wednesday, January 19, 2011. In light of the difficulties Plaintiff’s counsel have had in communicating with their client, counsel for Plaintiff and Defendants agree and stipulate that good cause exists for a one week extension of the rebuttal expert deadline pursuant to Fed. R. Civ. P. 16(b). The parties therefore join in a request for this Court to extend the rebuttal expert deadline to January 26, 2011. The parties do not expect that the requested extension of time will impact other aspects of the Court’s pre-trial scheduling order or the schedule going forward for trial.

Dated: January 18, 2011

LATHAM & WATKINS LLP

Alfred Pfeiffer
Ashley Bauer
Meghna Subramanian

By s/Ashley Bauer

Ashley Bauer
Attorney for Plaintiff
Michael Izell Seals

Dated: January 18, 2011

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John Rynhart
Lyle Thomas

ORDER

The Court having considered the foregoing stipulation of the parties, and good cause appearing, the Court hereby orders that the deadline for the disclosure of rebuttal experts shall be Wednesday, January 26, 2011. No other dates in the parties' case management schedule shall be changed as a result of this Order.

IT IS SO ORDERED.

Dated: 1/20/11



HON. NANDOR J. VADAS
United States Magistrate Judge